

Assembly Bill No. 1757

CHAPTER 450

An act to amend Sections 1450, 1451, 1453, 1454, 1455, 1456, and 1457 of, and to add Sections 1450.1 and 1450.2 to, the Military and Veterans Code, relating to veterans.

[Approved by Governor September 29, 2010. Filed with
Secretary of State September 29, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1757, Monning. Veterans cemetery.

(1) Existing law created the California Central Coast State Veterans Cemetery at Fort Ord Endowment Fund in the State Treasury and requires those moneys to be allocated for the annual administrative and oversight costs of the veterans cemetery, as specified.

This bill would require the Department of Veterans Affairs, in voluntary cooperation with the Board of Supervisors of the County of Monterey, the City of Seaside, the Fort Ord Reuse Authority, and local agencies to design, develop, and construct the California Central Coast Veterans Cemetery at Fort Ord, as specified. This bill would require the Secretary of the California Department of Veterans Affairs to appoint an Advisory Committee to advise the department when considering significant changes to the cemetery, as provided. This bill would require additional revenues identified for the administration and oversight of the cemetery to be deposited in the Endowment Fund, as specified.

(2) Existing law requires the department to develop and submit a Veterans Cemetery Grant Program application to the United States Department of Veterans Affairs for the establishment of a veterans cemetery, as provided. Existing law requires the Controller to transfer moneys from the Endowment Fund to the Operations Fund in the amount equal to the costs of developing and submitting the State Veterans Cemetery Grant Program application, as provided.

This bill would require the Controller, upon the appropriation of the Legislature, to transfer funds from the Endowment Fund to the Operations Fund in the amount at least equal to the estimated costs to complete preliminary plans and working drawings. This bill would authorize the department, upon the transfer of those funds, to proceed with all activities necessary to support the submission of the grant application, and, upon the United States Department of Veterans Affairs certification of the grant award to begin construction and equipping the veterans cemetery. This bill would define "phases" to mean the usual phases of a capital outlay project, as specified.

(3) Existing law requires the department to adopt regulations for eligibility requirements, as provided, and authorizes the burial of honorably discharged veterans and their spouses and children in the veterans cemetery.

This bill would require regulations to apply to all state-operated veterans cemeteries, as specified, and would limit burial of the children of honorably discharged veterans in the veterans cemetery to only dependent children.

The people of the State of California do enact as follows:

SECTION 1. Section 1450 of the Military and Veterans Code is amended to read:

1450. For purposes of this chapter, the following definitions apply:

(a) “Administrative and oversight costs” means costs incurred by the department for the maintenance of the veterans cemetery including, but not limited to, personnel costs, the opening and closing of graves, the interment of remains, committal service coordination, grounds keeping, landscaping, general maintenance, and janitorial services.

(b) “Department” means the Department of Veterans Affairs.

(c) “Endowment Fund” means the California Central Coast State Veterans Cemetery at Fort Ord Endowment Fund.

(d) “Operations Fund” means the California Central Coast State Veterans Cemetery at Fort Ord Operations Fund.

(e) “Phases” means the usual phases of a capital outlay project, and includes studies, preliminary plans, working drawings, including documents necessary to put the construction phase out to bid, and construction.

(f) “Veterans cemetery” means the California Central Coast State Veterans Cemetery at Fort Ord.

SEC. 2. Section 1450.1 is added to the Military and Veterans Code, to read:

1450.1. (a) Pursuant to this chapter, the department, in voluntary cooperation with the Board of Supervisors of the County of Monterey, the City of Seaside, the Fort Ord Reuse Authority, and surrounding counties, cities, and local agencies, shall design, develop, and construct the state-owned and state-operated veterans cemetery, which shall be located on the site of the former Fort Ord.

(b) The department shall oversee and coordinate the design, development, construction, and equipping of the veterans cemetery.

(c) It is the intent of the Legislature that the design of the veterans cemetery closely follows the concepts published in the California Central Coast Veterans Cemetery Fort Ord Development Master Plan as prepared for the Monterey County Redevelopment Agency.

SEC. 3. Section 1450.2 is added to the Military and Veterans Code, to read:

1450.2. (a) The Secretary of the California Department of Veterans Affairs shall establish the California Central Coast Veterans Cemetery

Advisory Committee that consists of the following persons appointed by the secretary:

- (1) One representative from the County of Monterey, nominated by the Board of Supervisors of the County of Monterey.
- (2) One representative from the City of Seaside, nominated by the City Council of the City of Seaside.
- (3) One representative from the Fort Ord Reuse Authority, nominated by the board of directors of the Fort Ord Reuse Authority.
- (4) Two members from the Fort Ord Veterans Cemetery Citizens Advisory Committee, nominated by that committee.
- (5) At least two members from the department.
- (b) In recognition of the fact that the Endowment Fund will be made up largely of private and local funds, the department shall seek the advice of the Advisory Committee when considering significant changes in the design of the veterans cemetery.

SEC. 4. Section 1451 of the Military and Veterans Code is amended to read:

1451. (a) The California Central Coast State Veterans Cemetery at Fort Ord Endowment Fund is hereby created in the State Treasury. Moneys in the Endowment Fund shall be allocated, upon appropriation by the Legislature, to the department for the annual administrative and oversight costs of the veterans cemetery, pursuant to Sections 1453 and 1454, and to generate funding through interest for the veterans cemetery.

(b) (1) Moneys in the fund shall first be invested with the goal of achieving capital appreciation to create a balance sufficient to generate ongoing earnings to cover the estimated annual oversight and maintenance costs associated with the veterans cemetery pursuant to Section 1453.

(2) Upon the determination of the Controller that the Endowment Fund balance has attained the goal established in paragraph (1), moneys in the fund shall be invested to generate earnings to fund annual oversight and maintenance costs associated with the veterans cemetery.

(c) The Endowment Fund may consist of donations from public and private entities, partnerships between public and private entities, fees, and transfers from the state General Fund as may be specified by law.

(d) To the extent possible, donations made in-kind to the Endowment Fund shall be monetized so as to offset the ongoing administrative and oversight costs under Sections 1452 and 1453.

(e) Earnings generated by the Endowment Fund shall be retained by the fund.

(f) Moneys deposited in the Endowment Fund are exempt from the requirements of Sections 11270 through 11277 of the Government Code.

(g) Moneys in the Endowment Fund shall be invested by the Treasurer, after consultation with the department, in a manner that best meets the goals of the fund.

(h) If, through changes in state or federal law, additional revenues are identified for the administration and oversight of the cemetery, including increases in federal burial allowances, so that the amount of annual revenue

exceeds the annual administrative and oversight costs, the excess revenues shall be deposited in the Endowment Fund.

SEC. 5. Section 1453 of the Military and Veterans Code is amended to read:

1453. (a) (1) Upon the determination of the Controller, after consultation with the Secretary of Veterans Affairs, that the Endowment Fund has adequate principal to annually yield sufficient investment earnings, from the date of the determination, to cover the annual administrative and oversight costs over the next 10 years and to fund the estimated costs of developing and submitting the State Veterans Cemetery Grant Program application, the department shall develop and submit a State Veterans Cemetery Grant Program application to the United States Department of Veterans Affairs for the establishment of a veterans cemetery.

(2) The Controller, upon appropriation by the Legislature, shall transfer moneys from the Endowment Fund to the Operations Fund in an amount equal to the estimated costs of developing and submitting the State Veterans Cemetery Grant Program application to the United States Department of Veterans Affairs.

(3) Notwithstanding paragraph (1), the Controller, upon appropriation by the Legislature, shall transfer funds from the Endowment Fund to the Operations Fund in an amount at least equal to the estimated costs to complete preliminary plans and working drawings. Transfers shall be made only when sufficient funds, as determined by the Director of Finance, exist to fully accomplish each of these project phases.

(4) The department shall not proceed with advertisement for construction bids until the Endowment Fund has adequate principal to cover annual administrative and oversight costs, in accordance with paragraph (1).

(b) (1) The Secretary of Veterans Affairs shall submit the State Veterans Cemetery Grant Program application to the United States Department of Veterans Affairs within six months of the Controller's determination pursuant to subdivision (a). The Secretary of Veterans Affairs is authorized to act as the official representative of the state in connection with the State Veterans Cemetery Grant Program application, including providing the United States Department of Veterans Affairs throughout the application process with all necessary assurances that additional information shall be provided when required. The Secretary of Veterans Affairs shall have final approval of all aspects of the cemetery design and operation.

(2) Upon transfer of funds pursuant to paragraphs (2) and (3) of subdivision (a), the department is authorized to proceed with all activities necessary to support the submission of the State Veterans Cemetery Grant Program application.

(3) Upon the United States Department of Veterans Affairs' certification of the grant award, the department is authorized to proceed with construction and equipping of the veterans cemetery.

(c) If awarded, the moneys received from the State Veterans Cemetery Grant Program shall be used to reimburse the Endowment Fund for the costs of developing and submitting the State Veterans Cemetery Grant Program

application to the United States Department of Veterans Affairs and other eligible costs, and to fund 100 percent of costs allowed by the grant requirements, as well as the state's share of any other costs for the design, construction, and equipping of the veterans cemetery.

SEC. 6. Section 1454 of the Military and Veterans Code is amended to read:

1454. (a) The Central Coast Veterans Cemetery Master Development Fund is hereby renamed the California Central Coast State Veterans Cemetery at Fort Ord Operations Fund. Moneys in the Operations Fund may be transferred, upon appropriation by the Legislature, from the Endowment Fund to the Operations Fund for expenditure by the department, solely for the annual administrative and oversight costs of the veterans cemetery.

(b) (1) The Controller shall reserve an amount, not to exceed 20 percent of the amount allocated pursuant to subdivision (a), in the Operations Fund, which shall be used solely as a reserve for unforeseen administrative and oversight costs.

(2) For purposes of this subdivision, "unforeseen administrative and oversight costs" means any costs that could not have been reasonably anticipated by the department when preparing its estimate of annual administrative and oversight costs and that are needed to carry out the purposes of this chapter.

SEC. 7. Section 1455 of the Military and Veterans Code is amended to read:

1455. (a) Subsequent to the department's submission of the State Veterans Cemetery Grant Program application, pursuant to Section 1453, the department shall adopt regulations to specify the eligibility requirements for interment, the appropriate fees to be charged for interment or burial of spouses and dependent children of honorably discharged veterans, and appropriate fees for the disinterment of remains.

(b) Those eligible for interment are all honorably discharged veterans and their spouses and dependent children.

(c) All fees received pursuant to subdivision (a) shall be deposited in the Endowment Fund created pursuant to Section 1451.

(d) Regulations adopted pursuant to this section shall also be applicable to all state-operated veterans cemeteries in order to ensure consistent and equitable treatment of all veterans and their families throughout the state.

SEC. 8. Section 1456 of the Military and Veterans Code is amended to read:

1456. (a) Proposals for the construction, placement, or donation of monuments or memorials, excluding headstones, and other amenities to the veterans cemetery shall be subject to review by the California Central Coast Veterans Cemetery Advisory Committee.

(b) All proposals for the construction, placement, or donation of monuments, memorials, and amenities to the veterans cemetery shall be subject to the approval of the Secretary of Veterans Affairs.

(c) The department shall adopt regulations for the policies and procedures to be followed with respect to the design, placement, and approval of monuments and memorials proposed to be placed on veterans cemetery grounds.

(d) Endowment Fund balances exceeding that determined to be sufficient to meet annual administrative and oversight costs, as determined pursuant to Section 1453, may be expended, upon appropriation by the Legislature, for the purpose of establishing monuments, memorials, and amenities.

SEC. 9. Section 1457 of the Military and Veterans Code is amended to read:

1457. (a) Notwithstanding Section 11005 of the Government Code, the veterans cemetery administrator may, subject to the approval of the Secretary of Veterans Affairs, accept donations of personal property, including cash or other gifts, to be used for the maintenance or beautification of the veterans cemetery.

(b) Donations in the form of cash shall be deposited in the Endowment Fund and shall be expended for the maintenance and repair of the veterans cemetery or for a specified veterans cemetery maintenance or beautification project designated by the donor, upon appropriation by the Legislature.